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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Nirisoa Collin

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04/20/2006

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EXAMINER

TRAN, NGHI V

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/955,956	COLLIN ET AL.	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 14, 2006 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. With respect to claims 1 and 6, there are too many "or" operator in the claim which renders the claim indefinite because it is unclear the limitations of the claims.

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5. With respect to claims 2-5, claims 2-5 are also rejected under 35 U.S.C. 112, second paragraph, because they are directly depend on independent claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Slobodanka Tomic, "Management Information Model for Optical WDM Networks," XP-001011288 (hereinafter Tomic).

8. With respect to claims 1 and 6, Tomic teaches a method of managing protection resources in a communication network wherein signaling is sent from a sending end to receiving end, enabling allocation of protection resources to active resources and including a step of establishing a resource organization or information model made up of protection groups or terminals or connection points, wherein said organization or information model includes groups

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comprising or using protection resources associated with a sending or receiving direction [pages 147-160].

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomic as applied to claim 1 above, and further in view of Hwang, U.S. Patent Application Publication No. 2001/0038478 (hereinafter Hwang).

11. With respect to claim 2, Tomic does not explicitly show said organization or information model includes a dedicated unidirectional protection group at the receiving end and a dedicated unidirectional protection group at the sending end, each of said unidirectional protection groups using different protection resources and commanding their use independently of each other.

In a communication method, Hwang suggests said organization or information model includes a dedicated unidirectional protection group at the receiving end and a dedicated unidirectional protection group at the sending end, each of said unidirectional protection groups using different protection resources

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and commanding their use independently of each other [fig.7 and paragraphs 0012-0016 & 0065-0067].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Tomic in view of Hwang by including a dedicated unidirectional protection group at the receiving end and the sending ending because this feature has a high isolation function when the optical signals are reflected [Hwang, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce a large insertion-loss when applied to multi-wavelength applications [Hwang, paragraph 0011 and 0070].

12. With respect to claims 3 and 5, Tomic does not explicitly show characterized in that the two unidirectional protection groups each have specific and distinct characteristics and switching configurations, all the terminals or connection points of the dedicated protection group at the receiving end being receivers and all the terminals or connection points of the dedicated protection group at the sending end being senders.

In a communication method, Hwang discloses characterized in that the two unidirectional [fig.7] protection groups each have specific and distinct characteristics and switching configurations, all the terminals or connection points of the dedicated protection group at the receiving end being receivers and all the terminals or connection points of the dedicated protection group at the sending end being senders [paragraphs 0012-0016 & 0065-0067].

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Tomic in view of Hwang by characterizing the two unidirectional protection groups because this feature has a high isolation function when the optical signals are reflected [Hwang, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce a large insertion-loss when applied to multi-wavelength applications [Hwang, paragraph 0011 and 0070].

13. With respect to claim 4, Tomic further teaches each protection unit being connected to a reliable resource and an unreliable resource [pages 156-157].

However, Tomic does not explicitly show characterized in that each of the unidirectional dedicated protection groups contains protection units and protected units, each protection unit being connected to a reliable resource and an unreliable resource.

In a communication method, Hwang discloses characterized in that each of the unidirectional dedicated protection groups contains protection units and protected units, each protection unit being connected to a reliable resource and an unreliable resource [paragraphs 0012-0016 & 0065-0067].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Tomic in view of Hwang by including a dedicated unidirectional protection group at the receiving end and the sending ending because this feature has a high isolation function when the

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optical signals are reflected [Hwang, see abstract]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to reduce a large insertion-loss when applied to multi-wavelength applications [Hwang, paragraph 0011 and 0070].

Response to Arguments

14. Applicant's arguments filed March 14, 2006 have been fully considered but they are not persuasive because of the following reasons:

15. Tomic teaches a method of managing protection resources in a communication network wherein signaling is sent from a sending end to receiving end, enabling allocation of protection resources to active resources and including a step of establishing a resource organization or information model made up of protection groups or terminals or connection points, wherein said organization or information model includes groups comprising or using protection resources associated with a sending or receiving direction [pages 147-160].

16. In response to applicant's argument that there is no discussion of direction-specific protection resources. Examiner respectfully disagrees because the Applicant's argument does not commensurate with the scope of the claim. Claims 1 and 6 directly or indirectly establishing a resource organization [pages 147-160]. However, claims 1 and 6 do not recite the limitation of "direction-specific protection resources" (emphasis added) because in a "or" operator, it is

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not required to include all the limitations such as protection groups or direction-specific protection resources.

17. In response to applicant's argument that there is no discussion of protection groups. Examiner respectfully disagrees because the Applicant's argument does not commensurate with the scope of the claim. Claims 1 and 6 directly or indirectly establishing a resource organization [pages 147-160]. However, claims 1 and 6 do not recite the limitation of "protection groups" (emphasis added) because in a "or" operator, it is not required to include all the limitations such as protection groups or direction-specific protection resources.

18. Therefore, the examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 2-5 are rejected at least by virtue of their dependency on independent claims and by other reasons set forth above. Accordingly, claims 1-6 are respectfully rejected as shown above.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER